

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

THE GROUND ROUND INDEPENDENT  
OWNERS COOPERATIVE, LLC,

*Plaintiff,*

- vs. -

Civil Action No. 05-CV-10780-NMG

CHARLES WHITMAN a.k.a. Chuck  
Whitman, C.T.W. DEVELOPMENT  
CORPORATION, RESTAURANT  
CONCEPTS UNLIMITED CORPORATION,

*Defendants.*

**JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1(D)**

Pursuant to Local Rule 16.1(D), the parties, by their undersigned counsel, hereby set forth their Joint Statement, including their respective proposed schedules for the conduct of discovery and the filing of motions.

**A. PROPOSED DISCOVERY PLAN**

The parties have conferred, as required by Fed.R.Civ.P. 26(f) and Local Rule 16.1(b) and, except where otherwise indicated, are in agreement on the following proposed discovery plan:

1. Discovery

Plaintiff and Defendants propose the following discovery schedule:

All discovery must be completed by January 15, 2006.

2. Automatic Disclosures

Pursuant to Local Rule 26.2(A), the parties are in the process of exchanging their Automatic Disclosure Statements.

**B. PROPOSED SCHEDULE FOR THE FILING OF MOTIONS**

The parties propose the following schedule for the filing of motions:

Dispositive motions, including motions for summary judgment, completed by February 15, 2006.

**C. PROPOSED TRIAL DATES**

The parties have conferred and are in agreement on the following proposed pre-trial and trial dates.

1. Target date for final pre-trial conference: March 15, 2006.
2. Target trial date: April 1, 2006, at the Court's convenience.

**D. CERTIFICATIONS**

The certifications of Plaintiff and Defendants as required by Local Rule 16.1(D)(3) will be filed under separate cover by the respective parties.

The parties are presently exploring the possibility of using alternative dispute resolution programs and will advise the Court of their decision at the Scheduling Conference.

**E. TRIAL BY MAGISTRATE JUDGE**

The parties are not unanimous in their consent to a trial by a Magistrate Judge.

**F. SETTLEMENT PROPOSAL**

Plaintiff has served a written settlement proposal on Defendants, as required by Local Rule 16.1(C).

**G. PROPOSED AGENDA FOR SCHEDULING CONFERENCE**

Review of proposed discovery and motion schedule.

Respectfully Submitted,  
Defendants,  
CHARLES WHITMAN a.k.a. CHUCK  
WHITMAN, C.T.W.  
DEVELOPMENT CORPORATION,  
CONCEPTS UNLIMITED  
CORPORATION,  
By their attorneys,

/s/ Stephen D. Riden

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(617) 342-4000

Dated: September 16, 2005

Respectfully Submitted,  
Plaintiff,  
GROUND ROUND INDEPENDENT  
OWNERS COOPERATIVE, LLC.,  
By its attorneys,

/s/ Richard C. Pedone

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